DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2000-00748-1

DATE OF DETERMINATION: April 27, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:

At the project site Y Date: August 16, 2000 and

(Y/N) September 23, 2004

PROJECT LOCATION INFORMATION:

State: New York
County: Delaware, Ulster

Center coordinates of site by latitude & longitude coordinates: lat:42-6-26.7840 lon:74-26-55.6800

Approximate size of site/property (including uplands) in acres 1,495

Name of waterway or watershed: Birch Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake		· · · · · · · · · · · · · · · · · · ·			_				
River							_		
Stream									
Mudflat									
Sandflat									
Wetlands		2.71							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond						-			
Other Water (identify type)									_

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹		lown	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Oecur	Not Expected to Occur	Not Able to Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Х				
Is or would be used as habitat by other migratory birds that cross state lines?	_		X				
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce?				X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2000-00748-1

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:
Total acreage of site: 1,495 The jurisdictional waters on site consist of (check as many as are appropriate): Pond Lake _X _ Stream _X _ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO Total acres of jurisdictional waters on site: 21.47 Position of jurisdictional waters in landscape and watershed: Associated with hillside streams and seeps Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Mostly undeveloped, second growth forest
2. Rationale Used To Determine NJD:
Isolated, intra-state water # 1 (AL) The NJD aquatic resources on site consist of (check as many as are appropriate): PondLakeStream _X_Wetlands*Tidal WatersOther (identify type): * If wetlands are present, indicate Cowardin classification: PEM Acres of this NJD aquatic resource within property: 1.79 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in clevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Associated with hillside seep, located approximately 500 feet from nearest waters of U.S. The aquatic resource _X is _ is not located completely within the project site. The aquatic resource _ is _X is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource _ is _X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributal system.
Isolated, intra-state water #s 2 (AO) and 3 (AP) The NJD aquatic resources on site consist of (check as many as are appropriate): PondLakeStream _X_Wetlands*Tidal WatersOther (identify type): * If wetlands are present, indicate Cowardin classification: PFO Acres of this NJD aquatic resource within property: 0.11 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Associated with hillside seeps, located approximately 400 fect from nearest waters of U.S. The aquatic resource _X_ is is not located completely within the project site. The aquatic resource _ is _X_ is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributa system.
Isolated, intra-state water #s 4 (CA) and 5 (CB/CC) The NJD aquatic resources on site consist of (check as many as are appropriate): PondLakeStream _X_ Wetlands*Tidal WatersOther (identify type):* * If wetlands are present, indicate Cowardin classification: PFO Acres of this NJD aquatic resource within property: 0.59 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Associated with hillside sceps, located approximately 250 feet from nearest waters of U.S. The aquatic resource _X is _ is not located completely within the project site. The aquatic resource _ is _X is not connected to waters of the U.S. by _ a surface channel _ underground culvert _ other means (identify) by which water could flow between the two: The aquatic resource _ is _X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributa system.

CENAN-OP-R APPLICATION NO. 2000-00748-1

Isolated, intra-state water #s 6 (A) and 7 (B/C)
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream _X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PFO
Acres of this NJD aquatic resource within property: 0.22
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Associated with hillside seeps, located approximately 1,100 feet from nearest waters of U.S.
The aquatic resource X is is is not located completely within the project site.
The aquatic resource is X is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resourceis X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District											
FILE NUMBER:					2002-00562						
DATE OF DETERMINATI	ON:			April 21, 2005							
PROJECT REVIEW/DETE	RMINAT	ION COM	PLET	ED:	In the	office (Y/N)	١	N	Date:		
				At the project site (Y/N)				Y	Date: May 2, 2002, June 10, 2003, May 28, 2004		
PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitu Approximate size of site/property (including up Name of waterway or watershed:					acres:	12.99 Patroo	y 43-2 3 . n Cree	k, Hu	lon:73-51-19		
Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 a	c 5	-10 ac	10-25 ac	25-5	0 ac	> 50 ac	Linear Feet	Unknown
Lake											
River											
Stream											
Mudflat											
Sandflat											
Wetlands	0.09										
Slough											
Prairie Pothole											
Wet Mcadow											
Playa Lake											
Vernal Pool											
Natural Pond											
Other Water (identify type)											
¹ Check appropriate boxes tha non-jurisdictional aquatic res			of isola	ited, n	on-navig	able, intra-si	tate wa	ater p	resent and bo	est estimate	for size of
Migratory Bird Rule Factors ¹				If K	Cnown		Us	e Bes	If Unknow t Professiona		
				Ycs	No	Predict to Oce			Expected Occur		e to Make mination
Is or would be used as habitat for birds protected by Migratory Bird Treatics?			by			X					
Is or would be used as habitat by other migratory birds that cross state lines?						X					
Is or would be used as habitat for endangered species?									X		
Is used to irrigate crops sold	in intersta	te commer	ce?		X						
¹ Check appropriate boxes tha jurisdictional, isolated, non-n							tory B	ird Rı	ale to apply	to onsite, n	on-

TYPE OF DETERMINATION: Preliminary Or Approved X

CENAN-OP-R APPLICATION NO. 2002-00562

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:
Total acreage of site: 12.99 The jurisdictional waters on site consist of (check as many as are appropriate): Pond Lake Stream _X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PFOIE Total acres of jurisdictional waters on site: 3.8 Position of jurisdictional waters in landscape and watershed: Upper reach of Patroon Creek watershed. Surrounded by development on fill.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Adjacent lands developed with industry/warehouse/commercial. Suburban area.
2. Rationale Used To Determine NJD:
Isolated, intra-state water #1 (If more than one water, copy entire section for each) The NJD aquatic resources on site consist of (check as many as are appropriate): PondLakeStream X Wetlands*Tidal WatersOther (identify type):* * If wetlands are present, indicate Cowardin classification: PFO1E Acres of this NJD aquatic resource within property: 0.09 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): A small depressional wetland located approximatley 65 feet away from other 3.8-acre wetland on site. Separated by forested upland. Southern boundary is toe of slope of fill for an exisiting warehouse. The aquatic resource X is is not located completely within the project site. The aquatic resource is X is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District 2002-01009 FILE NUMBER: DATE OF DETERMINATION: April 13, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site Y Date: June 25, 2003 (Y/N) PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site by latitude & longitude coordinates: lat:41-26-45.0600 lon:74-4-46.2360 Approximate size of site/property (including uplands) in acres 169.35 Name of waterway or watershed: Unnamed Tributary to Moodna Creek Type of Aquatic Resource¹: 1-3 ac 3-5 ac 5-10 ac 25-50 ac > 50 ac 0-1 ac Linear Unknown Feet 0.08 Lake River Stream Mudflat Sandflat 0.91 Wetlands Slough Prairie Pothole Wet Meadow Plava Lake Vernai Pool Natural Pond Other Water (identify type) Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area. Migratory Bird Rule Factors If Known If Unknown Use Best Professional Judgment Yes No Predicted Not Expected Not Able to Make to Occur to Occur Determination Is or would be used as habitat for birds protected by \mathbf{X} Migratory Bird Treaties? Is or would be used as habitat by other migratory X birds that cross state lines? Is or would be used as habitat for endangered X species? Is used to irrigate crops sold in interstate commerce? X

TYPE OF DETERMINATION: Preliminary Or Approved X

jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

ADDITIONAL INFORMATION SUPPORTING NJD (c.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-

CENAN-OP-R APPLICATION NO. 2002-01009

ADDITIONAL INFORMATION SUPPORTING NJD

system.

1. Site Conditions: Total acreage of site: 169.35 The jurisdictional waters on site consist of (check as many as are appropriate): X Pond Lake X Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO, PEM Total acres of jurisdictional waters on site: 50.08 Position of jurisdictional waters in landscape and watershed: Associated with stream courses. Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Formerly farmed, currently partially developed. 2. Rationale Used To Determine NJD: Isolated, intra-state water # 1 (C) The NJD aquatic resources on site consist of (check as many as are appropriate): Pond __Lake __Stream _X Wetlands* __Tidal Waters __Other (identify type): _____ * If wetlands are present, indicate Cowardin classification: PFO, PEM Acres of this NJD aquatic resource within property: 0.91 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in clevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Approximately 100 feet from nearest waters of U.S., separated by an upland ridge. The aquatic resource X is X is not located completely within the project site. The aquatic resource X is not connected to waters of the U.S. by X a surface channel underground culvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system. Isolated, intra-state water # 2 (E) The NJD aquatic resources on site consist of (check as many as are appropriate): X Pond Lake Stream Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: Acres of this NJD aquatic resource within property: 0.08 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Approximately 300 feet from and 36 feet higher in elevation than nearest waters of U.S. The aquatic resource X is is not located completely within the project site. The aquatic resource $\underline{}$ is $\underline{}$ is not connected to waters of the U.S. by $\underline{}$ a surface channel underground eulvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District 2003-00244 FILE NUMBER: DATE OF DETERMINATION: April 13, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site Y Date: December 7, 2004 (Y/N) PROJECT LOCATION INFORMATION: New York State: County: Dutchess lat:41-48-29.9880 lon:73-48-54.0000 Center coordinates of site by latitude & longitude coordinates: Approximate size of site/property (including uplands) in acres 34.23 Name of waterway or watershed: Unnamed Tributary to Great Spring Creek Type of Aquatic Resource¹: 0-I ac 3-5 ac 5-10 ac 25-50 ac > 50 ac Linear Unknown Feet Lake River Stream Mudflat Sandflat Wetlands 0.37 Slough Prairie Pothole Wet Meadow Playa Lake Vernal Pool Natural Pond Other Water (identify type)

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹		iown	If Unknown Usc Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination		
Is or would be used as habitat for birds proteeted by Migratory Bird Treatics?			X				
Is or would be used as habitat by other migratory birds that cross state lines?			X				
Is or would be used as habitat for endangered species?					Х		
Is used to irrigate crops sold in interstate commerce?				X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationalc used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2003-00244

ADDITIONAL INFORMATION SUPPORTING NJD

 Site Conditions: Total acreage of site: 34.23 The jurisdictional waters on site consist of (check as many as are appropriate): X Pond Lake Stream X Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PSS, PEM Total acres of jurisdictional waters on site: 2.04 Position of jurisdictional waters in landscape and watershed: Wetlands located at foot of hill Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm 2. Rationale Used To Determine NJD: Isolated, intra-state water # 1 The NJD aquatic resources on site consist of (check as many as are appropriate): Pond _ Lake _ Stream X Wetlands* _ Tidal Waters _ Other (identify type): ____ * If wetlands are present, indicate Cowardin classification: PFO Acres of this NJD aquatic resource within property: 0.01 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Wetland located next to Malone Road, approximately 300 feet from and 18 feet higher in elevation than nearest waters of U.S. The aquatic resource $\underline{\underline{}}$ is $\underline{\underline{X}}$ is not located completely within the project site. The aquatic resource $\underline{}$ is $\underline{}$ is not connected to waters of the U.S. by $\underline{}$ a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource __ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system. Isolated, intra-state water # 2 The NJD aquatic resources on site eonsist of (check as many as are appropriate): Pond __ Lake __ Stream _X Wetlands* __ Tidal Waters __ Other (identify type): ___ * If wetlands are present, indicate Cowardin classification: PSS Acres of this NJD aquatic resource within property: 0.36 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Wetland located approximately 200 feet from and 16 feet higher in elevation than nearest waters of U.S. The aquatic resource X is is not located completely within the project site. The aquatic resource __ is X_ is not connected to waters of the U.S. by __ a surface channel underground culvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

TROM C.S. SOTREME COURT	CORPS OF ENGINEERS	. C.S. ARM
DISTRICT OFFICE:	New York District	

DISTRICT OFFICE: New York Distric

FILE NUMBER: 2003-00711

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:

At the project site Y Date: August 20, 2003

(Y/N)

PROJECT LOCATION INFORMATION:

State: New York County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-31-59.0880 lon:74-12-58.7880

Approximate size of site/property (including **upl**ands) in acres

72.552

Name of waterway or watershed:

Wallkill River

Type of Aquatic Resource ¹ :	0-1 ae	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.70								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type) Excavated farm pond	0.05								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹		If Known		If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X					
Is or would be used as habitat by other migratory birds that cross state lines?			Х					
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce?				X	_			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2003-00711

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 72.552
The jurisdictional waters on site consist of (cheek as many as are appropriate):
Pond Lake X Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin elassification: PEM, PFO
Total aeres of jurisdictional waters on site: 12.87
Position of jurisdictional waters in landscape and watershed:
Associated with intermittent and perennial stream channels.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):
Abandoned farm
2. Rationale Used To Determine NJD:
<u>Isolated</u> , intra-state water # 1
The NJD aquatic resources on site consist of (cheek as many as are appropriate):
X Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin elassification: PFO
Acres of this NJD aquatic resource within property: 0.75
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Old excavated farm pond with surrounding forested wetlands, approximately 700 feet from nearest waters of U.S.
The aquatic resource X is is not located completely within the project site.
The aquatic resource $\underline{\hspace{0.5cm}}$ is $\underline{\hspace{0.5cm}}$ is not connected to waters of the U.S. by $\underline{\hspace{0.5cm}}$ a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District 2004-00716 FILE NUMBER: DATE OF DETERMINATION: April 28, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site Y Date: August 2, and October 30, 2004 (Y/N) PROJECT LOCATION INFORMATION: New York State: County: Schenectady Center coordinates of site by latitude & longitude coordinates: lat:42-47-8.9880 Lon:73-51-55.0080 Approximate size of site/property (including uplands) in acres 1.9 Name of waterway or watershed: Unnamed Tributary Type of Aquatic Resource1: 1-3 ac 3-5 ac 5-10 ac 10-25 ac 25-50 ac > 50 ac Linear Unknown Feet Lake River Stream Mudflat Sandflat 0.29 Wetlands Slough Prairie Pothole Wet Meadow Plava Lake Vernal Pool Natural Pond Other Water (identify type) Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area. Migratory Bird Rule Factors1 If Known If Unknown Use Best Professional Judgment Yes No Predicted Not Expected Not Able to Make to Oecur to Occur Determination Is or would be used as habitat for birds protected by X Migratory Bird Treaties? Is or would be used as habitat by other migratory X birds that cross state lines?

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

Is or would be used as habitat for endangered

Is used to irrigate crops sold in interstate commerce?

species?

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

X

Х

CENAN-OP-R APPLICATION NO. 2004-00716

ADDITIONAL INFORMATION SUPPORTING NJD

system.

1. Site Conditions: Total acreage of site: __1.98_ The jurisdictional waters on site consist of (check as many as are appropriate): Pond __ Lake __ Stream __ Wetlands* __ Tidal Waters __ Other (identify type): __ * If wetlands are present, indicate Cowardin classification: Total acres of jurisdictional waters on site: 0. Position of jurisdictional waters in landscape and watershed: Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): 2. Rationale Used To Determine NJD: Isolated, intra-state water # (If more than one water, copy entire section for each) The NJD aquatic resources on site consist of (eheck as many as are appropriate): Pond Lake Stream X Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: _PSS_ Acres of this NJD aquatic resource within property: 0.06 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Nearest waters of the United States is approximately 200 feet to the east of the site and is an unnamed tributary to the Lisha Kill The aquatic resource is X is not located completely within the project site. The aquatic resource __ is _X_ is not connected to waters of the U.S. by __ a surface channel __ underground eulvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system. The NJD aquatic resources on site consist of (check as many as are appropriate): Pond __ Lake __ Stream _X_ Wetlands* __ Tidal Waters __ Other (identify type): _____ * If wetlands are present, indicate Cowardin classification: PFO___ Acres of this NJD aquatic resource within property: _0.23 Description of the position of the aquatic resource in the landscape (i.c. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Nearest waters of the United States is approximately 200 feet to the east of the site and is an unnamed tributary to the Lisha Kill. Wetlands adjacent to the tributary are forested riparian wetland. The aquatic resource is X is not located completely within the project site. The aquatic resource __ is _X_ is not connected to waters of the U.S. by __ a surface channel _ underground culvert _ other means (identify) by which water could flow between the two The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING

FROM U.S. SUPREME COURT DECIS	CORPS OF ENGINEERS	OOR COUNTY, U.S. ARM
DISTRICT OFFICE:	New York District	

DISTRICT OFFICE:

FILE NUMBER: 2004-00722

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: N

> At the project site Y Date: July 28, 2004

(Y/N)

PROJECT LOCATION INFORMATION:

New York State: County: Orange

lat:41-20-30.5160 lon:74-20-14.6040 Center coordinates of site by latitude & longitude coordinates:

Approximate size of site/property (including uplands) in acres 138.43

Name of waterway or watershed: Browns Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Lincar Feet	Unknown
Lake				 -					
River									
Stream					-				
Mudflat									
Sandflat					_				
Wetlands				6.46					
Slough		-		_					
Prairie Pothole									
Wet Meadow		_				_			
Playa Lake						_			
Vernal Pool								_	
Natural Pond	-		_		-				
Other Water (identify type)							11.00		

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹	[f Kr	юwп	If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Х					
Is or would be used as habitat by other migratory birds that cross state lines?			X					
Is or would be used as habitat for endangered species?					Х			
Is used to irrigate crops sold in interstate commerce?		i		X				

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, nonjurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Or Approved X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2004-00722

ADDITIONAL INFORMATION SUPPORTING NJD

system.

1. Site Conditions: Total acreage of site: 138.43 The jurisdictional waters on site consist of (check as many as are appropriate): X Pond Lake X Stream X Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PEM Total acres of jurisdictional waters on site: 9.11 Position of jurisdictional waters in landscape and watershed: Associated with Browns Creck. Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm 2. Rationale Used To Determine NJD: Isolated, intra-state water # 1 (A) The NJD aquatic resources on site consist of (check as many as are appropriate): Pond __ Lake __ Stream _X Wctlands* __ Tidal Waters __ Other (identify type): ____ * If wetlands are present, indicate Cowardin classification: PFO Acres of this NJD aquatic resource within property: 6.46 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Area appears to have been mined, due to steep, exposed slopes. Wetland at least 500 feet from and 30 feet higher in elevation than nearest waters of United States. The aquatic resource is X is not located completely within the project site. The aquatic resource $\underline{\hspace{0.1cm}}$ is $\underline{\hspace{0.1cm}} X$ is not connected to waters of the U.S. by $\underline{\hspace{0.1cm}}$ a surface channel underground eulvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District FILE NUMBER: 2004-00782 DATE OF DETERMINATION: April 19, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site Y Date: September 15, 2004 (Y/N) PROJECT LOCATION INFORMATION: State: New York County: Orange Center eoordinates of site by latitude & longitude coordinates: lat:41-31-43.2120 lon:74-24-44.1000 Approximate size of site/property (including uplands) in acres 62.3117 Name of waterway or watershed: Unnamed Tributary to Shawangunk Kill > 50 ac Type of Aquatic Resource1: 0-1 ae 1-3 ac 3-5 ac 5-10 ae 10-25 ac 25-50 ae Linear Unknown Feet Lake River Stream Mudflat Sandflat Wetlands 0.31 Slough Prairie Pothole Wet Meadow Playa Lake Vernal Pool Natural Pond Other Water (identify type) ¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area. Migratory Bird Rule Factors1 If Known If Unknown Use Best Professional Judgment Yes No Predicted Not Expected Not Able to Make to Occur to Occur Determination X Is or would be used as habitat for birds protected by Migratory Bird Treaties? X Is or would be used as habitat by other migratory birds that cross state lines? Х Is or would be used as habitat for endangered species?

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

Is used to irrigate crops sold in interstate commerce?

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

X

CENAN-OP-R APPLICATION NO. 2004-00782

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

system.

Total aereage of site: 62.3117 The jurisdictional waters on site consist of (check as many as arc appropriate): Pond Lake X Stream X Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PEM, PFO Total acres of jurisdictional waters on site: 17.1225. Position of jurisdictional waters in landscape and watershed: Wetlands located in low-lying areas of site. Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm 2. Rationale Used To Determine NJD: Isolated, intra-state water # 1 The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream X Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PFO Acres of this NJD aquatic resource within property: 0.31 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in clevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Wetland impounded behind rock wall, approximately 100 fect from and 4 feet higher in elevation than nearest waters of U.S. The aquatic resource \underline{X} is \underline{X} is not located completely within the project site. The aquatic resource \underline{X} is not connected to waters of the U.S. by \underline{X} a surface channel underground culvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District 2004-00853 FILE NUMBER: DATE OF DETERMINATION: April 19, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site \mathbf{Y} Date: September 15, 2004 (Y/N)PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site by latitude & longitude coordinates: lat:41-27-51.5880 lon:74-14-41.9640 Approximate size of site/property (including uplands) in acres 15.8625 Name of waterway or watershed: Beaverdam Brook Type of Aquatic Resource¹: 0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ac 25-50 ac > 50 ac Linear Unknown Feet Lake River Stream Mudflat Sandflat 0.42 Wetlands Slough Prairie Pothole Wet Meadow Playa Lake Vernal Pool Natural Pond Other Water (identify type)

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Kn	own	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Х				
Is or would be used as habitat by other migratory birds that cross state lines?			X				
Is or would be used as habitat for endangered species?					Х		
Is used to irrigate crops sold in interstate commerce?				X	_		

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site eonditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2004-00853

ADDITIONAL INFORMATION SUPPORTING NJD

system.

1. Site Conditions: Total acreage of site: 15.8625 The jurisdictional waters on site consist of (check as many as are appropriate): Pond __ Lake __ Stream _X Wetlands* __ Tidal Waters __ Other (identify type): _____ * If wetlands are present, indicate Cowardin classification: PFO Total acres of jurisdictional waters on site: 2.79 Position of jurisdictional waters in landscape and watershed: Associated with drainage patterns Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm, partially mined 2. Rationale Used To Determine NJD: Isolated, intra-state water # 1 (B) The NJD aquatic resources on site consist of (check as many as are appropriate): __ Pond __ Lake __ Stream _X Wetlands* __ Tidal Waters __ Other (identify type): _____ * If wetlands are present, indicate Cowardin classification: PEM Acres of this NJD aquatic resource within property: 0.36 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Located on hillside, approximately 150 feet from and 16 feet higher in elevation than nearest waters of U.S. The aquatic resource X is is not located completely within the project site. The aquatic resource $\underline{\hspace{0.1cm}}$ is $\underline{\hspace{0.1cm}} X$ is not connected to waters of the U.S. by $\underline{\hspace{0.1cm}}$ a surface channel underground culvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system. Isolated, intra-state water #s 2 (C) and 3 (D) The NJD aquatic resources on site consist of (check as many as are appropriate): Pond __ Lake __ Stream _X Wetlands* __ Tidal Waters __ Other (identify type): __ * If wetlands are present, indicate Cowardin classification: PEM Acres of this NJD aquatic resource within property: 0.06 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in clevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Located in previously mined area, approximately 250 feet from and 10 feet higher in elevation than nearest waters of U.S. The aquatic resource X is is not located completely within the project site. The aquatic resource $\underline{\hspace{0.2cm}}$ is $\underline{\hspace{0.2cm}} X$ is not connected to waters of the U.S. by $\underline{\hspace{0.2cm}}$ a surface channel underground culvert __ other means (identify) by which water could flow between the two:

The aquatic resource __ is _X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

			CORIS	OF ENG	INEERS							
DISTRICT OFFICE:				New Y	ork District							
FILE NUMBER:				2005-00164								
DATE OF DETERMINATI	ON:			April	4, 2005							
PROJECT REVIEW/DETERMINATION COMPLETE				: In the	e office (Y/N)) N	Date:	Date:				
							D-41/	1 17 2005				
				(Y/N)	e project site	e Y	Date:Marc	ch 17, 2005				
PROJECT LOCATION INI	FORMAT	ION:										
State:					New Y	/ork						
County:					Clinto	п						
Center coordinates of s					lat:45-	0-27.3600	lon:73-27-8.9	9640				
Approximate size of sit			g uplands)	in acres	27.47							
Name of waterway or v	watershed:				Unnan	ned Tributa	nry					
Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Fcet	Unknown			
Lake												
River												
Stream												
Mudflat												
Sandflat												
Wetlands			4.84									
Slough			_									
Prairie Pothole												
Wet Meadow												
Playa Lake												
Vernal Pool												
Natural Pond												
Other Water (identify type)												
¹ Check appropriate boxes tha non-jurisdictional aquatic res			of isolated,	non-navi	gable, intra-si	tate water	present and b	est estimate	e for size of			
Migratory Bird Rule Factors ¹			II	ГКлоwп		II . n	If Unknow					
			- 7	_ 37	D 1' 4		st Profession					
Ye				s No	Predict to Occ		t Expected to Oceur		le to Make mination			
Is or would be used as habita Migratory Bird Treaties?	t for birds	s protected	by		X							
Is or would be used as hahita birds that cross state lines?	t by other	migratory	,		Х							

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

Is or would be used as habitat for endangered

Is used to irrigate crops sold in interstate commerce?

species?

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

X

X

CENAN-OP-R APPLICATION NO. 2005-00164

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:
Total acreage of site: 27.47 The jurisdictional waters on site consist of (check as many as are appropriate): Pond Lake Stream Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification:
Total acres of jurisdictional waters on site: 0.
Position of jurisdictional waters in landscape and watershed:
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Formally used as agricultural fields, appears to have been used as a possible borrow site for the installation of Interstate 87, many years ago.
2. Rationale Used To Determine NJD:
Isolated, intra-state water # 1 (If more than one water, copy entire section for each)
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Strcam X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: <u>PEM/PSS</u>
Acres of this NJD aquatic resource within property: 2.93
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is
approximately 100 feet from a ditch which flows into a jurisdictional water of the United States. Historic topo maps from 1907, 1943,
and 1956, show no water of the United States in the project area. The Clinton County Soil Survey indicates that two mapped soils within Wetland 1:
The aquatic resource X is is not located completely within the project site.
The aquatic resource $\underline{\hspace{0.5cm}}$ is \underline{X} is not connected to waters of the U.S. by $\underline{\hspace{0.5cm}}$ a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource $\underline{}$ is $\underline{\underline{X}}$ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.
Isolated, intra-state water # 2 (If more than one water, copy entire section for each)
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PEM/PSS
Acres of this NJD aquatic resource within property: 0.12
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is
approximately 450 feet from a ditch which flows into a jurisdictional water of the United States. The aquatic resource \underline{X} is is not located completely within the project site.
The aquatic resource \underline{X} is \underline{X} is not connected to waters of the U.S. by \underline{X} a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource $\underline{}$ is \underline{X} is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.
<u>Isolated</u> , intra-state water # 3 (If more than one water, copy entire section for each)
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PEM/PSS
Acres of this NJD aquatic resource within property: 1.71 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in algustion from percent
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is
approximately 500 feet from a ditch which flows into a jurisdictional water of the United States.
The aquatic resource \underline{X} is $\underline{\hspace{0.5cm}}$ is not located completely within the project site.

CENAN-OP-R APPLICATION NO. 2005-00164

The aquatic resource $_$ is \underline{X} is not connected to waters of the U.S. by $_$ a surface channel $_$ underground culvert $_$ other means (identify) by which water could flow between the two:
The aquatic resource $\underline{}$ is \underline{X} is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributar system.
Isolated, intra-state water # 4 (If more than one water, eopy entire section for each)
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream X Wctlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PEM/PSS
Acres of this NJD aquatic resource within property: 0.08
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from neares
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is
approximately 750 feet from a ditch which flows into a jurisdictional water of the United States.
The aquatic resource \underline{X} is is not located completely within the project site.
The aquatic resource $\underline{}$ is $\underline{}$ is not connected to waters of the U.S. by $\underline{}$ a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource $\underline{}$ is \underline{X} is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	New York District
FILE NUMBER:	2005-00200

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:

At the project site Y Date: August 29, 2001

(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-23-19.6080 lon:74-19-50.1240

Approximate size of site/property (including uplands) in acres 131

Name of waterway or watershed: Unnamed Tributary to Wallkill River

rianie or materinary or i	Children Titedatary to Walliam Terrer								
Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ae	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.4								
Slough	_								
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool					_				
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Kn	own	If Unknown Use Best Professional Judgment				
	Ycs	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X				
Is or would be used as habitat by other migratory birds that cross state lines?			X				
Is or would be used as habitat for endangered species?					Х		
Is used to irrigate crops sold in interstate commerce?				X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2005-00200

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

system.

Total acreage of site: 131 The jurisdictional waters on site consist of (check as many as are appropriate): Pond __ Lake X Stream X Wetlands* _ Tidal Waters __ Other (identify type): ___ * If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO Total acres of jurisdictional waters on site: 47.21 Position of jurisdictional waters in landscape and watershed: Wetland at base of hill, associated with tributaries to Wallkill River Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Abandoned farm 2. Rationale Used To Determine NJD: Isolated, intra-state water # 1 The NJD aquatic resources on site consist of (check as many as are appropriate): Pond __ Lake __ Stream _X Wetlands* __ Tidal Waters __ Other (identify type): _____ * If wetlands are present, indicate Cowardin classification: PEM Acres of this NJD aquatic resource within property: 0.4Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Associated with hillside scep, approximately 50 feet from and 3 feet higher in elevation than nearest waters of US. The aquatic resource X is X is not located completely within the project site. The aquatic resource X is not connected to waters of the U.S. by X a surface channel underground culvert __ other means (identify) by which water could flow between the two: The aquatic resource __ is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary